

# Federal Defenders OF NEW YORK, INC.

Southern District  
52 Duane Street-10th Floor, New York, NY 10007  
Tel: (212) 417-8700 Fax: (212) 571-0392

*David E. Patton  
Executive Director  
and Attorney-in-Chief*

*Southern District of New York  
Jennifer L. Brown  
Attorney-in-Charge*

**VIA ECF**

Honorable Sidney H. Stein  
United States District Judge  
Southern District of New York  
500 Pearl Street  
New York, NY 10007

January 4, 2023

**Re: United States v. Mikal Leahr, 19 Cr. 913, 20 Cr. 61 (SHS)**

Dear Judge Stein:

It has been over a year since Mikal Leahr first appeared before your Honor for sentencing. It has been a “crazy” and “overwhelming” year full of unanticipated ups and downs. He supported his mother through her medical needs and excelled at his job in his chosen field while struggling with the lasting scars left by a potentially deadly attack.

While the past year did not unfold as we had anticipated, Mr. Leahr responded to all that the year threw at him exactly as predicted: in a manner that demonstrated his rehabilitation and commitment to working as a productive member of his family and his community. The defense submits the past year has confirmed what the defense represented at the initial sentencing: Mr. Leahr has demonstrated he is amenable to community supervision and a sentence that includes a term of incarceration would be greater than necessary to achieve the statutory sentencing objectives. The defense respectfully requests that the Court sentence Mr. Leahr to time served.

It is hard not to begin this update with the knife attack Mr. Leahr suffered in May 2022. Mr. Leahr and a female friend of his were planning to see a movie the night he was attacked. They were waiting to take the bus when a much taller man jumped out and, randomly, attacked Mr. Leahr, stabbing him five times. As the man charged at him with the knife, Mr. Leahr froze: he couldn’t run because he was afraid that if he turned his back on the assailant, he would surely die. Luckily for Mr. Leahr, an ambulance was passing by as the attack occurred and he received immediate medical attention.

His stab wounds required stitches and have left lasting damage, both physically and mentally. He wakes up in the morning with his hand numb and tingling. He has nerve damage that impact his use of his fingers.

The attack “altered the way I think,” Mr. Leahr says. “Sometimes, even on a good day, I’ll just think ‘I could have died that day.’ I think about it and it hits in a way I just can’t explain.” As he has discussed with his pretrial officer, he has used marijuana to cope with his pain and the trauma of the attack. At the same time, he has engaged in treatment and, while not

Hon. Sidney H. Stein  
United States District Judge

January 4, 2023  
Page 2

**Re: Re: United States v. Mikal Leahr, 19 Cr. 913, 20 Cr. 61 (SHS)**

perfect, has been open and forthcoming about his struggles and his desire to maintain sobriety.

As the government informed the Court, Mr. Leahr has been steadily employed by Mavis Discount Tire for over a year. When he returned to work after the attack, he found that the environment at his workplace had changed. The new hires that had started work while he was recovering were violent. They threatened his manager and yelled at customers. One destroyed the workplace bathroom in a fit of rage. Mr. Leahr knew this was not a safe or healthy environment, especially for someone who had just suffered a violent attack. Mr. Leahr requested a transfer to a different Mavis location and, just before the holidays, began work at a new shop. That his employer held his job through his recovery and was amenable to his transfer request speaks to the quality of Mr. Leahr's work and his dependability as an employee. He has built a strong foundation for himself at Mavis. Although he had hoped to have an automotive degree by now, he remains committed to his automotive career. "I miss school," he says. "I would have graduated by now. But my mom wasn't working and if I was in school, I could only work part time. So school just wasn't an option; I had to work full time. But they said I can come back, so I plan to do that when I can."

As he looks back over the past year, he describes it as "really overwhelming. It's been crazy. I can't really put it in words." Between the trauma of the attack, the deaths of two close friends, and his mother's medical needs, overwhelming is an understatement. Other than work, treatment, and helping his mother, Mr. Leahr mostly stays home these days. "I feel like I am protecting myself by staying inside," he explains.

It is clear that it has been a "crazy" and "overwhelming" year for Mr. Leahr since he last appeared before your Honor. The defense submits it is equally clear that the statutory sentencing goals have been met and any additional sentence would be greater than necessary to affect those goals. Indeed, taking Mr. Leahr away from his family, his job, and his treatment at this point would be counter-productive to the goals of sentencing. He has demonstrated rehabilitation, deterrence, and respect for the law. Most importantly, in the face of great challenges, he has demonstrated that he is committed to continuing down this path. No further punishment is necessary to ensure that he does.

Respectfully submitted,  
 /s/  
 Peggy Cross-Goldenberg  
 Assistant Federal Defender  
 646-588-8323

cc: Jacob Fiddelman, Esq., Assistant United States Attorney  
 Kevin Sullivan, Esq., Assistant United States Attorney